

Judicial Branch (Middle School/High School)

TRANSCRIPT FOR VIDEO AT mijeducation.mi.gov/lc-tour

Hello, and welcome to this virtual introduction to the judicial branch of government from the Michigan Supreme Court Learning Center. I'm Rachael Drenovsky. Thanks for joining us!

You probably know how the Constitution separates the power of government into three branches, so let's dive into the responsibilities of the Judicial Branch.

The power of courts in the Judicial Branch is to interpret and apply the law. To resolve disputes, courts answer questions to points of law.

Here are some examples. Is this person guilty of a crime? Does a company owe money for a woman's doctor bills? Must something start or stop? Did someone break a traffic law? Or were someone's constitutional rights violated? This happens every day, in courts across Michigan.

Local courts are called Trial Courts. Most cases start and stop here. This is a Trial Court courtroom, where both sides are heard and the facts (like what happened) are decided.

If a party – a side in the case, thinks the Trial Court made mistakes when deciding the facts, they may appeal to the Court of Appeals, asking for the case to be looked at again (like a sports replay).

This is a Court of Appeals courtroom where both sides are heard. Three judges decide if the Trial Courts followed the rules and applied the law correctly. Cases often stop here.

If a party still thinks the answer should be different, they may ask the Supreme Court to hear the case. The Supreme Court only takes the most difficult cases that are important to the public and to the courts. The seven Justices look at the law, the rules, and what happened in the lower courts to give the final answer.

This is the Supreme Court courtroom where the sides are heard, if a case is considered. Of the 2,000 or so cases appealed and decided each year, usually less than 100 are heard in the courtroom.

All lower courts must follow the decision of the Supreme Court in similar cases. You may have heard the terms "precedent" or "stare decisis". Following precedent helps resolve similar disputes in similar ways across Michigan now and in the future.

So let's summarize. There are three levels of the courts in the Judicial Branch. Trial Courts, the Court of Appeals, and the Supreme Court. And three levels of responsibility when interpreting the laws to resolve disputes. Trial Courts decided the facts, the Court of Appeals looks for mistakes, and the Supreme Court makes final decisions.

Are there any questions?

Yes. What kinds of cases does the Michigan Supreme Court take?

The Michigan Supreme Court hears almost any type of case that comes before the lower courts. The only exception is where a party has given up their right to appeal, as in Small Claims. Recent cases have been about things like insurance, criminal sentencing, divorces, public utilities, medical marijuana, taxes, warrantless searches, election referendums, and contracts.

The commonality is that the answer is important to the courts and to the public. The purpose of the Supreme Court is to decide what is correct according to the law, so courts, and people in general, know how to act in the future.

What other questions do we have?

What happens if the parties don't agree with the Michigan Supreme Court's final decision?

Lots of people wonder about this one. Under state law, the Michigan Supreme Court is called the "court of last resort" and has the final word. As long as a decision doesn't violate the U.S. Constitution that's the end of the road.

But some Michigan Supreme Court cases might have what's called a "federal issue" – something in the U.S. Constitution, like freedom of speech or warrantless searches by police. Then, a party can ask the U.S. Supreme Court to look at their case. However, for the federal Supreme Court to take the case, the answer has to be of national importance. Statistically, it's pretty rare for a state supreme court case to be heard and decided by the Supreme Court of the United States.

Are there any other questions?

Yes. I saw there were more than 3 million cases per year. Why so many?

Courts keep statistics on the types of cases they hear. This counts everything from small claims with relatively small amounts of money to civil cases worth millions of dollars. There are also Family Court cases, like divorce, child custody, and juvenile cases. There are less serious crimes, called misdemeanors, and more serious crimes – felonies.

But the biggest category is related to traffic violations. More than half of all court cases are related to people breaking traffic laws.

On average, about 95% of all cases across the United States happens in state courts, not federal courts. If someone in Michigan is going to have contact with courts, it's probably our District Courts, where traffic and other less serious cases are heard and decided.

It looks like we have time for one last question.

I want to be a judge someday. What should I do to prepare myself for that career?

Well, first, you have to be someone who likes to read and write – a lot. And you have to like seeing problems in different ways. Remember – There’s always two sides to a case.

Then, you have to graduate from high school, attend 4 years of college, and 3 years of law school. Next, is a 2-day test called the bar exam. After you pass that, you join the bar association and become a lawyer – an attorney, the words are interchangeable.

State court judges run for election, and you have to have at least five years of experience as an attorney first. According to the state constitution, you may run for election as many times as you like, until you’re 70 years of age.

Federal judges are appointed by the President with the advice and consent of the Senate, but that’s a whole different process.

Well, thank you so much for joining us! Please visit us sometime at the Michigan Supreme Court Learning Center in Lansing.

Until then, remember – the judicial branch interprets the law. Bye!